

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ADAM APPEL, et al.,,)
Plaintiffs,)
v.) Cause No. 4:05CV772SNL
THE CITY OF ST. LOUIS, et al.,)
Defendants.)

**DEFENDANTS' MEMORANDUM OPPOSING PLAINTIFFS' MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT**

Plaintiffs have moved (DS #95) to file their Second Amended Complaint through interlineation. Plaintiffs seek to amend the claim of plaintiff Arthur Friedrich to state that his allegations arise from events at 3022 Cherokee on May 16, 2003, instead of events at 3309 Illinois on that date. Defendants oppose Plaintiffs' motion. Plaintiffs have failed to show good cause for amendment of their pleading at this juncture. At the inception of the litigation, Defendants objected to the boilerplate nature of the First Amended Complaint, which purported to apply all factual events jointly to all defendants and large swathes of the plaintiffs. The amendment now sought highlights the impropriety of application of all allegations to large groups of plaintiffs. That Defendants included information pertaining to 3022 Cherokee in their Rule 26 Disclosures as part of the context of police officials' responses and actions on May 16, 2003 does not render nonprejudicial Plaintiffs' belated amendment of plaintiff Friedrich's claim. Defendants object to the proposed Second Amended Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served up the following parties via this Court's electronic filing system this 8th day of March, 2007:

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